

## **Briefing Packet on Whistleblower & Anti-Retaliation Rights for Reporting Law Enforcement Misconduct**

### **Content:**

- A letter, signed by 32 law enforcement whistleblowers and officers, calling Congressional leaders to enact anti-retaliation protections for individuals who exercise their free speech rights to hold their fellow officers and leaders accountable
- A letter, signed by 170+ NGOs, calling Congressional leaders to protect individuals with best practice anti-retaliation rights for reporting law enforcement misconduct in any justice reform legislation regarding policing
- The stories of five law enforcement whistleblowers who reported waste, fraud, abuse, and unlawful conduct in their respective agencies and suffered retaliation
- Several news articles and interviews illustrating the need for whistleblower and anti-retaliation rights for law enforcement officers reporting law enforcement misconduct

### **Prepared by:**

Government Accountability Project

Thank you for the opportunity to brief you on whistleblower and anti-retaliation rights for reporting law enforcement misconduct.



June 9, 2021

The Honorable Nancy P. Pelosi  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Charles E. Schumer  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Kevin O. McCarthy  
Minority Leader  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, DC 20510

The Honorable Steny Hoyer  
Majority Leader  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressional Leaders,

We are law enforcement officers who have dedicated our lives to protecting the public. Many of us also have blown the whistle on law enforcement abuses of power that betray our mission by endangering the public's rights or lives. Now more than ever before, America is blowing the whistle on deeply ingrained abuses. The truth is changing the course of history. Congressional and local leaders are proposing sweeping reforms. It is long overdue that America holds our profession accountable.

Why is accountability so overdue? Proof is needed and whistleblowers are less likely to come forward without protection. While videos have sparked a national awakening, defending freedom needs more than a smartphone. In many cases, it requires testimony from those willing to bear witness. The only witness may be a fellow officer. That means these reforms will not work as intended unless they directly attack the Blue Wall of Silence that permeates law enforcement.

Deep-seated cultural bias has made it a lonely, dangerous struggle for those exercising their free speech rights to hold their fellow officers and leaders accountable. Law enforcement whistleblowers don't just risk putting their careers in a chokehold. In too many instances, we have risked our lives. Whistleblowing for us is "committing the truth," because we are treated as if we had committed a crime.

Accountability often is impossible without testimony from those who bear witness. So if there are no anti-retaliation rights in police abuse legislation, its reforms may be left unenforced. Unenforceable laws can intensify community backlash because they are magnets for cynicism and resentment. That is why Congress included whistleblower protection in over 60 federal remedial laws. Now the same standards need to be in police bills for the reforms to be credible.

How can whistleblowers make a difference enforcing police reforms? We know from experience that every rule has exceptions, and that law enforcement officers must be able to defend themselves and the public against serious threats of death and bodily harm. However, their testimony could turn citizen rights into reality for major safeguards that must be the rule such as:

- the ban on chokeholds;
- controls on other deadly force;
- expanded liability;
- pattern and practice investigations,
- oversight of mandatory body cameras;
- restrictions on No Knock warrants;
- controls on transfer of military equipment to state and local police;
- open and transparent forensic crime laboratory operations; and
- accurate and complete records for a national registry.

Most fundamental, the truth, the whole truth and nothing but the truth is the foundation for oversight and enforcement, whether it is through police internal affairs investigations, citizen reviewboards, or congressional hearings. That means a legal protection for those who report evidence of wrongdoing. Without it, those new controls may be a mirage.

We have risked our careers, and sometimes our lives, despite no credible protection against retaliation. But it has been a lonely battle against the Blue Wall of Silence. New police reforms will have to reverse a longstanding way of life that has sustained accountability-free abuses of power. That will not happen unless our trickle of truth turns into a river. That river will not flow without legally safe channels to commit the truth.

Respectfully submitted,

Frank Serpico  
Retired New York City Police Detective

Dr. Matthew Fogg  
Chief Deputy U.S. Marshal, RET.  
Blacks in Government (BIG) ~ Heritage Chapter President

Mary Margaret Baker  
Department of Veterans Affairs Police Officer  
Former Security Forces, United States Air Force

Brian Bolden  
Dunwoody Police Department Prisoner Transport Officer

Jay Brainard  
Federal Security Director, Transportation Security Administration

Norman A. Carter, Jr.  
Retired Philadelphia Police Department Officer  
Author of The Long Blue Walk: My Journey as a Philly Cop

Sergeant Charlotte Djossou  
D.C. Metropolitan Police Department

Daniel Echeverria  
Chicago Police Department Officer

Javier Esqueda  
Training Sergeant, Joliet, Illinois Police Department

T. Lynn Gannon  
Former Special Agent, Department of Interior OIG (and three others previously)

George Greco  
Former Drug Enforcement Administration Special Agent

Ronald E. Hampton  
Former Executive Director, National Black Police Association/USA  
Retired DC Metropolitan Police Officer  
Blacks in Law Enforcement of America

Austin Handle  
Former University of West Georgia Police Department Officer  
Former Dunwoody Police Department Officer

Cariol Horne  
Former Buffalo Police Department Officer

Brittany M. Iriart  
Former Diplomatic Security Service Special Agent

Richard Larrabee  
Special Agent, U.S. Department of Interior

Robert Ledogar  
Former Supervisory Deputy U.S. Marshal

Sgt. Steven Lee  
New York Police Department Officer

Robert MacLean  
Former Federal Air Marshal

Keith McNichols  
Special Agent Drug Enforcement Administration

Jonathan Oliveras  
New York Police Department Officer

Brian Peete  
Montpelier Police Department Chief of Police

Tim Petoskey  
U.S. Department of Veterans Affairs Criminal Investigator

Doug Poppa  
Former Deputy Sheriff Criminal Investigator, Loudoun County Sheriff's Office, Leesburg, Virginia

Christian Sanchez  
Border Patrol Agent, United States Customs and Border Protection

Laura Schook  
Former New Albany Police Department Officer

Shannon Spalding  
Chicago Police Department Officer

Jane Turner  
Retired FBI Agent

Lt. Kamil Warraich  
Asbury Park Police Department  
President of the Muslim American Law Enforcement Association  
President of the Asbury Park Fraternal Order of Police (NJ Lodge 221)  
Appointed Resiliency Officer at NJ State Fraternal Order of Police

Fred Whitehurst  
Former Supervisory Special Agent  
FBI Co-Chair  
National Whistleblower Center

Ken Williams  
Retired Homicide Detective, Brockton Police Department

Tracy A. Wood  
Former Seattle Police Department Officer

Steve Zanowic

Former Deputy U.S. Marshal

\*Affiliations are for identification purposes only.

Cc:

The Honorable Jerry Nadler  
Chair, U.S. House Judiciary Committee

The Honorable Jim Jordan  
Ranking Member, U.S. House Judiciary Committee

The Honorable Carolyn Maloney  
Chair, U.S. House Oversight and Reform Committee

The Honorable James Comer  
Ranking Member, U.S. House Oversight and Reform Committee

The Honorable Richard Durbin,  
Chair, U.S. Senate Judiciary Committee

The Honorable Charles Grassley  
Ranking Member, U.S. Senate Judiciary Committee

The Honorable Gary Peters  
Chair, U.S. Senate Homeland Security and Governmental Affairs Committee

The Honorable Rob Portman  
Ranking Member, U.S. Senate Homeland Security and Governmental Affairs Committee

The Congressional Black Caucus

The House and Senate Whistleblower Protection Caucuses



June 22, 2021

The Honorable Nancy P. Pelosi  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

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United States Senate  
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The Honorable Steny Hoyer  
Majority Leader  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressional Leaders,

Government Accountability Project and the undersigned 173 organizations write to seek your leadership in protecting individuals with best practice anti-retaliation rights for reporting law enforcement misconduct in any justice reform legislation regarding policing. Legislation without proper accountability makes laws unenforceable, which can intensify community backlash and become magnets for cynicism and resentment. This need for accountability and enforceability is why Congress included whistleblower protection in over 60 federal remedial laws, including 16 times unanimously since the start of the millennium. Now the same standards outlined by Congress previously must be applied in all policing bills for those reforms to be credible.

The truth is changing the course of history. Unfortunately, accountability in law enforcement remains a major challenge. Accountability-free abuses of power have become a way of life, and for current reform proposals to work as intended, they must have effective measures protecting those who bear witness in order to enforce the law against law enforcement officers who break it. Video footage has led to a national reckoning, but sometimes it takes more than a smartphone to protect and defend victims of police brutality. In many cases, accountability requires testimony from those willing to bear witness, which are often fellow officers and law enforcement personnel.

However, the “blue wall of silence,” compounded by the lack of anti-retaliation protection for law enforcement, forces law enforcement officers to risk their careers, safety, or even their lives when they choose to blow the whistle. That is why we are asking Congress to include whistleblower rights in police reform bills.

How can whistleblowers make a difference enforcing police reforms? Their testimony could turn citizen rights into reality for major safeguards such as:



- the ban on chokeholds;
- controls on other deadly force;
- expanded liability;
- pattern and practice investigations;
- oversight of mandatory body cameras;
- restrictions on no knock warrants;
- controls on transfer of military equipment to state and local police;
- open and transparent forensic crime laboratory operations;
- accurate and complete information for a national registry; and
- an oversight record based on the whole truth for all oversight and enforcement.

Whistleblowing for law enforcement is “committing the truth,” because they are treated as if they had committed a crime. But the truth, the whole truth and nothing but the truth is the foundation for legitimate reform. There can be no higher priority than protecting those who provide it.

Sincerely,

Government Accountability Project  
 350.org  
 Academics Stand Against Poverty  
 ACORN8  
 Advocacy for Principled Action in Government  
 Advocating Opportunity  
 Affiliation of Christian Engineers  
 Agape Healing Hearts  
 Alaska Community Action on Toxics  
 Alianza Americas  
 Alianza Nacional de Campesinas  
 Alliance for Human Research Protection  
 Alliance for Justice  
 American Association for Justice  
 American Civil Liberties Union  
 American-Arab Anti-Discrimination Committee (ADC)  
 Asian Law Alliance  
 Asian Pacific American Labor Alliance, AFL-CIO  
 Association of Health Care Journalists  
 Blacks in law Enforcement of America  
 Blue Wave Postcard Movement  
 California Communities Against Toxics  
 CantWait  
 Casa Ruby  
 Center for Democracy & Technology  
 Center for International Policy  
 Center for Justice & Democracy  
 Center for Media and Democracy  
 Center for Policing Equity

Centro de los Derechos del Migrante, Inc.  
CEO Pipe Organs/Golden Ponds Farm  
Citizens Awareness Network  
Citizens for Responsibility and Ethics in Washington (CREW)  
Citizens' Environmental Coalition  
Clean Elections Texas  
Cleveland Park Congregational UCC  
Cobb County Chapter of the Southern Christian Leadership Conference (SCLC)  
Common Cause  
Connecticut Civil Rights Council  
Constitutional Alliance  
Consumer Action  
Corruption kills  
Council on American-Islamic Relations (CAIR)  
CovertAction Magazine  
Cumberland Countians For Peace & Justice  
Daily Kos  
Defending Rights & Dissent  
Demand Progress  
DemCast USA  
Democracy 21  
Dialysis Advocates & Associates  
Digital Democracy Project  
Dignity and Power Now  
Disaster Accountability Project  
Drug Policy Alliance  
ECI Communications  
Equal Rights Advocates  
Essential Information  
Farmworker Association of Florida  
Fight for the Future  
Food & Water Action  
FracTracker Alliance  
Freedom Network USA  
Freedom of the Press Foundation  
Glynn Environmental Coalition  
Government Information Watch  
Greenpeace US  
Haitian Bridge Alliance  
HBCU Collective  
Hip Hop Caucus  
HIPS  
Hispanic Federation  
Humanist Society of New Mexico  
Indiana Coalition for Open Government  
Innocence Project

Interfaith Welcome Coalition - San Antonio  
International Association of Whistleblowers (IAW)  
Iowa Citizens for Community Improvement  
Jobs with Justice of East Tennessee  
Kentucky Resources Council, Inc.  
Lamplighter Project  
Latin American Youth Center  
LatinoJustice PRLDEF  
Law Enforcement Action Partnership  
Liberty Shared  
Living United For Change In Arizona  
Main Street Project  
Mainers for Accountable Leadership  
Mississippi Workers' Center for Human Rights  
Muslim American Law Enforcement Association  
National Association for the Advancement of Colored People (NAACP)  
National Association of Black Law Enforcement Officers  
National Association of Social Workers  
National Black Justice Coalition  
National Coalition Against Censorship  
National Education Association  
National Employment Lawyers Association  
National Immigration Project (NIP-NLG)  
National Judicial Conduct and Disability Law Project, Inc.  
National Korean American Service & Education Consortium  
National Network for Immigrant & Refugee Rights  
National Organization for Women  
National Security Counselors  
National Whistleblower Center  
National Whistleblower Legal Defense & Education Fund  
National Workrights Institute  
Network for Environmental & Economic Responsibility  
New American Leaders Action Fund  
New Mexico Environmental Law Center  
New Moral Majority  
NOMOS Consulting  
Northern Illinois Justice for Our Neighbors  
Open The Government  
Our Bodies Ourselves  
Pax Advisory  
Pax Christi USA  
Peace and Freedom Party, California  
People For the American Way  
People's Parity Project  
Pineros Y Campesinos Unidos del Noroeste (PCUN)  
Platform to Protect Whistleblowers in Africa

Poligon Education Fund  
Press Freedom Defense Fund of First Look Institute  
PRESS4WORD  
Privacy Times  
Professional Managers Association  
Project Censored/Media Freedom Foundation  
Project On Government Oversight  
Protect All Children's Environment  
Public Citizen  
Public Justice  
Public Justice Center  
R Street Institute  
RAICES  
Restore The Fourth  
Right to life A4O  
RootsAction.org  
Rural Coalition  
S.T.O.P. - Surveillance Technology Oversight Project  
Santa Clara County Wage Theft Coalition  
Shadow World Investigations  
Society of Professional Journalists  
Sojourners  
Stand Up Republic  
Strategies for Justice  
Students for Sensible Drug Policy  
Supporting and Mentoring Youth Advocates and Leaders (SMYAL)  
Tahirih Justice Center  
Taxpayers Protection Alliance  
Texas Civil Rights Project  
The Judicial Accountability Movement  
The Multiracial Activist  
The Oakland Institute  
The Rutherford Institute  
The Signals Network  
The Workers Circle  
Transparency International - U.S. Office  
Truckers Justice Center  
Tully Center for Free Speech  
Union of Concerned Scientists  
UNISHKA Research Service, Inc  
UNITED SIKHS  
Visual Teaching Technologies  
Voices for Progress  
Washington Lawyers' Committee for Civil Rights and Urban Affairs  
Washington Office on Latin America  
Whistleblower Network News

Whistleblowers of America  
Wisconsin Faith Voices for Justice  
Women's Action for New Directions  
Women's International League for Peace and Freedom US  
Woodhull Freedom Foundation  
Workplace Fairness  
X-Lab

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The Congressional Black Caucus

The House and Senate Whistleblower Protection Caucuses

# DR. MATTHEW FOGG

CHIEF DEPUTY U.S. MARSHAL, RET.

BLACKS IN GOVERNMENT HERITAGE CHAPTER PRESIDENT

In his 32 years of outstanding public service beginning in 1978, former Chief Deputy U.S. Marshal Matthew Fogg led an elite enforcement team that tracked down over 300 of America's most-wanted fugitives charged with prison escape, murder, rape, narcotics trafficking, and other heinous domestic and international crimes.

At the same time, Fogg suffered substantial racial bias. For example, he described how his white colleagues on the fugitive task force deserted him without his supervisory permission just before he and other officers arrested two heavily armed suspects, one charged with murder and prison escape, Michael Lucas, featured on the popular TV show "Americas Most Wanted." According to Fogg in the 1997 New York Post "Bigots with Badges" investigation, "[Lucas] attempted to pull a gun on me... The white deputies knew when the bust was coming, but in the end, where were they? They deserted their posts." His colleagues were left unpunished and no charges were filed; in fact, one of the deputies received a promotion.

Additionally, Fogg alleged that he and other African American officers had been denied promotions, received less desirable assignments tied to their duties, and endured disproportionately harsher punishments for infractions. For instance, when Fogg started a Title VII

discrimination case in 1984, he was denied promotion and assigned to a "dead-end" desk job. His superiors threatened him with further retaliation if he didn't drop his complaint. As such, Fogg stated,

**The stress got too much for me and I filed a Workers' Compensation Board claim – 'stress-related disorder caused by discrimination and retaliation in the workplace.'**

"Though the board upheld Fogg's claim, when Fogg and his physician said he was not ready to return to work, his superiors dismissed him from the United States Marshals Service (USMS) for insubordination while he continued receiving Office of Workers' Compensation Programs (OWCP) benefits.

When Fogg presented his complaints in 1985 to the Department of Justice (DOJ), it took seven years for an investigation to be completed and 13 years before a 1998 Title VII trial where Fogg successfully sued the DOJ and won \$4 million on the assertion that African Americans were systematically discriminated against based on race by the USMS. The jury found the entire USMS was a hostile environment for all African American Deputy U.S. Marshals before and after 1994. However, the District Court capped the compensatory damages for federal employees at \$300 thousand.

As the lead Class Agent [Fogg, et. al. v. Garland ], Fogg represents over 700 Deputy Marshals in discovery nationwide. He co-chaired the coalition responsible for the passage of the No FEAR Act of 2002, which increased federal agency accountability for violations of anti-discrimination and whistleblower protection laws and continues to speak out against racial discrimination in the USMS and other federal agencies. Government Accountability Project is working hard to secure anti-retaliation protections for law enforcement whistleblowers like Matthew Fogg.



# JAVIER ESQUEDA

## JOLIET, ILLINOIS POLICE DEPARTMENT

Javier Esqueda is a 28-year law enforcement veteran who was a field training sergeant for the Joliet, Illinois police force until he blew the whistle in 2020. He had not been disciplined before blowing the whistle internally and publicly, challenging the cover-up of police violence in connection with the 2020 death of a suspect, Eric Lurry. In response, Sergeant Esqueda was stripped of his badge, placed on administrative leave, and charged with four felonies that could lead to 20 years imprisonment.

The incident in question concerned the January 2020 arrest of Mr. Lurry, who was suspected of having drugs in his mouth. Police slapped the suspect, shouted profanity, squeezed his nostrils for 98 seconds and shoved a baton into his mouth to cut off air. Mr. Lurry passed out and subsequently died. The Will County coroner ruled that it was a drug overdose.

Because one of his trainees was in the arrest, Sergeant Esqueda had to review the Daily Observation Report, but it did not include any of the above information. Other officers, however, began talking about a disturbing video of the arrest which he should review. Sergeant Esqueda then viewed the video of Eric Lurry, which exposed the misconduct summarized above. Because other officers, including a lieutenant, expressed horror at the contents, he held off making a formal complaint. He hoped that the concerns were sufficiently widespread

for the department to act. However, the only action was for the training captain to call him in and question why he had accessed the video and order an explanatory memo. Sergeant Esqueda explained that it is his duty to determine the facts when there are allegations of misconduct by a trainee. When Sergeant Esqueda tried to discuss the contents of the video that demonstrated brutality, the captain repeatedly said he did not want to hear it and cut him off.

### **Sergeant Esqueda began agonizing over the proper response, consulting with colleagues, and praying.**

Word of the video's existence was becoming widespread, and City Council members requested to see it. The police department's response was for the former chief to call in members of the media and a political ally on the council to see an edited version of the video. The edited version camouflaged the police misconduct, was interspersed with police editorial commentary justifying taped behavior, and had the audio cut out.

For Sergeant Esqueda, this was the last straw. Authorities had not even included Mr. Lurry's family in the event to rewrite the history of what had happened. He decided to release the video to the media, where it was widely covered, led to calls for the Attorney General to investigate, and sparked the mayor's appointment of private counsel for an independent investigation. The primary offending officer was suspended for seven days. The Lurry family has filed a lawsuit for damages.

The police force responded to Sergeant Esqueda's public whistleblowing by stripping him of his badge and placing him on administrative leave. It also began shopping for a prosecutor to file criminal charges and found one in neighboring Kendall County, who in December 2020 obtained indictments for four felonies. Each can lead to five years imprisonment. Sergeant Esqueda's alleged misconduct? He had accessed the video tape while off-duty in his car while in Kendall County. However, Sergeant Esqueda was doing his job by tracing the facts for an incident with one of his trainees.





# BRITTANY M. IRIART

## FORMER DIPLOMATIC SECURITY SERVICE SPECIAL AGENT

Brittany Iriart, a veteran who served nine years as a special agent, joined the civilian branch of Denver's Public Integrity Division as an internal affairs investigator. The branch was created in December 2018 after a number of inmate deaths suggested that the Denver Sheriff's Department was unable to conduct effective internal investigations. The Public Integrity Division was intended to be completely separate from the Denver Sheriff's Department, but the chain of command was riddled with conflicts of interest, leading to ethical issues.

In 2020, Iriart received a case for a 61-year-old inmate who had been released from the hospital with several medical issues. The Sheriff's department came to pick him up, handcuffed and leg ironed him, and put him in a wheelchair. The deputy reported that the inmate spat in the direction of the officers, and video footage shows the deputy strike the inmate twice, knocking over the wheelchair. Iriart saw it as a clear excessive use of force case. When Iriart conducted her interview, the deputy denied ever striking the inmate. Lying in an internal affairs investigation is normally an automatic termination.

Iriart remembers that the draft discipline report was legally sound. However, then Chief Elias Diggins intervened to openly defend the deputy officer during his discipline hearing. Iriart contacted the Office of the

Independent Monitor (OIM), expressing her concerns over the inappropriate intervention. The OIM notified Iriart that Denver was attempting a full exoneration of the deputy despite the evidence. When she closed out the case, the draft discipline report was missing, and the final report omitted several pages of facts. Iriart went to a supervisor about the changes and was instructed to "mind her own business, stay in her lane, and keep her mouth shut." From then on, modifying reports to protect officers from being fired or disciplined became commonplace in the department.

Iriart decided that it was time to speak up about the broken process. She consulted her attorney and they developed a plan for her to speak to the media and before Congress. Iriart was placed on administrative leave while an investigation took place into allegations that she had violated her confidentiality agreement by commenting on the investigation. Three months later, Iriart received her contemplation of discipline report with multiple allegations that were never discussed in her HR interviews. In her hearing, she refuted these allegations with facts. Despite this, the final report of discipline maintained all the refuted allegations. Iriart was then terminated, and though she appealed the termination, finally agreed to resign.

**“It would have been hell to go back there. But I did want to fight, and I did want to clear my name - I just didn't have the money for more appeal processes, which can cost \$20,000 - \$30,000.”**

Iriart is passionate about expanding anti-retaliation whistleblower protections for officers, explaining that, "You have to meet very specific requirements to even get protection, and even when you do qualify, how does it really protect you?" Government Accountability Project is working hard to broaden these protections so that officers can feel safe speaking out against wrongdoing.





# NORMAN A. CARTER, JR.

## RETIRED PHILADELPHIA POLICE DEPARTMENT OFFICER AUTHOR OF THE LONG BLUE WALK: MY JOURNEY AS A PHILLY COP

Norman A. Carter, Jr. is a retired Philadelphia Police Department Officer and author of "The Long Blue Walk," a memoir about his 25 years on the force. Carter remembers starting the job with a high standard of integrity for true leadership – only to find himself years later in turmoil.

Carter found himself at odds with his colleagues after refusing to ignore a scandal that involved police officers protecting, getting kickbacks from, and participating in a local burglary ring. Carter reported it to the Internal Affairs Bureau (IAB) and was subsequently blackballed by members of the force who began to surveil him and refused to support him in field operations. One day they wrote him up after he called out sick, claiming he never answered the door for a sick check. Carter asked for a hearing to avoid a 10-day suspension for the phoney violation. Through all the fabricated violations, the department was trying to establish a pattern of behavior which would allow them to fire him. Carter had never had disciplinary problems in his career prior to going to the IAB.

Carter was offered representation from the Fraternal Order of Police, whose attorney assumed that he would plead guilty to quell the abuse or take the firing. But

he persisted. He sought representation from an African American police association. During the hearing, when the sergeant who wrote him up for the sick leave violation testified, he could not accurately describe the door he supposedly knocked on. Carter was still suspended for 10 days.

During his suspension, Carter filed another complaint against his department through the IAB, this time with a fellow police officer. Carter described the retaliation against him. The officer accompanying Carter suggested that he be transferred for his own protection, but IAB was clear that could not happen until they took the investigation to the police commissioner, who would make that decision. Twenty minutes after returning home, Carter was transferred.

Eventually Carter received help through a federal connection, a raid was executed and the burglary ring was broken up. This resulted in the seizing of millions of dollars of guns and merchandise and the burglary ringleader being sentenced to five years in federal prison. Several involved police officers were transferred. Many others, including the District Commander, were arrested later.

Carter went on to supervise the narcotics unit as a Police Corporal and continued to advocate for transparency. Even after Carter retired, he remained a target for retaliation and harassment, forcing him to leave Philadelphia.

When writing his memoir, Carter says he relived the psychological burdens of his experience.

**“I relived the sense of abandonment which goes on over and over again with other police officers who have been in the same situation.”**

Government Accountability Project is leading an effort to strengthen anti-retaliation protections for law enforcement whistleblowers like Norman Carter.



# SHANNON SPALDING

## CHICAGO POLICE DEPARTMENT UNDERCOVER NARCOTICS OFFICER

When Officer Shannon Spalding started her career working for the Chicago Police Department alongside Officer Ronald Watts, Spalding was naive to the fact that Watts was a drug dealer who obtained a badge to further his criminal enterprise. Watts, despite ongoing Federal and internal investigations by the FBI, DEA, and Chicago PD, was promoted to Sergeant and given his own team in a specialized unit operating in some of America's poorest housing developments, where society's most vulnerable resided.

Spalding and her partner Daniel Echeverria gained credible information during narcotics related intelligence debriefings regarding Watts and his team's illegal involvement in the narcotics trade. Spalding and her partner feared for their futures as officers but felt they had no choice but to report the internal corruption to their supervisor in the Organized Crime, Narcotics Division. Unfortunately, when they did, they were given a direct order from the boss to make the report a negative, no intelligence received.

Shortly after, Spalding was informed by federal agents that "Big Shorty," a well-known drug dealer caught up in a homicide investigation, offered up Watts and his team

in an attempt to strike a deal. Big Shorty confessed to the DEA that he paid a "tax" to Watts and his team for protection which allowed him to sell narcotics without fear of prosecution. Big Shorty was subsequently shot and killed. Spalding recalls that officers and supervisors in the Homicide Detective Division of the department discussed openly how they could not believe Watts was still on the force after murdering Big Shorty and that the bosses were covering up for him. With no formal investigation into Watts, the case went cold. Spalding and her partner decided to go to the FBI, but high ranking city officials wanted the investigation to disappear, and began targeting Spalding and her partner.

Spalding and Echeverria were reassigned back to the Chicago Police Department for desk duty, then sent to the police academy and separated. They were forced to lose touch with their informant in the investigation. The DOJ was brought in and the Chief of Internal Affairs attempted to groom Spalding into committing perjury, but she refused. The Chief of Internal Affairs told Spalding, "I can't - and I won't - protect you." Spalding was told by her immediate supervisor in the Fugitive Apprehension Unit, "I'd hate to tell your daughter you're coming home in a box." Spalding filed a whistleblower lawsuit, believing that would stop the severe retaliation. Spalding recalls,

**“It was like pouring gasoline on a fire. It didn't stop it - it ignited it.”**

The day after Spalding and her attorney called a widely-viewed press conference, Spalding ended up being arrested on phoney federal charges. Spalding, who continues to help others who have been falsely arrested through the Exoneration Project, is currently on extended leave due to complex PTSD from blowing the whistle and the retaliation she endured. Her department is being investigated by the DOJ. Spalding says about her experience as a whistleblower, "I never want another officer to have to walk in my shoes."



# LT. KAMIL WARRAICH

## ASBURY PARK POLICE DEPARTMENT

Lt. Kamil Warraich joined the Asbury Park Police Department (APPD) in 2004 and served on and off in numerous capacities as the first Pakistani-American and second Muslim officer in the history of APPD. In 2009, Warraich was assigned to APPD's Narcotics and Gang Unit, where he became a leading officer in narcotics and firearm arrests.

In 2016, Lt. Warraich reported to his department executives that an Internal Affairs Investigator was backdating investigations. Lt. Warraich continued to run his complaints up the chain of command to the Monmouth County Prosecutor's Office (MCPO), which failed to investigate his complaints, even those with criminal implications. Warraich's complaints were returned to the department to investigate. MCPO and the department retaliated against Warraich and covered up the allegations. At the same time, Warraich reported a coworker for racist conduct. Again, Warraich received retaliation and the matter was covered up without proper investigation. Lt. Warraich then went to the Office of the Attorney General (OAG), which returned his complaint to MCPO to investigate themselves.

The harassment and retaliation continued as Lt. Warraich reported multiple instances of wrongdoing. Instead of investigating his allegations, the department initiated

multiple Internal Affairs investigations against him seeking a twenty-day suspension, an arbitrary demotion, and termination by unjustly utilizing the fitness for duty evaluation (FFDE) process. Lt. Warraich has been on Paid Administrative Leave since May 2019, even though he has been cleared for work by the FFDE.

In late 2019, Lt. Warraich filed two complaints with the OAG, one reporting the retaliation against him and violations of the Internal Affairs Guidelines. The other complaint was submitted as a whistleblower disclosure and alleged IA complaints filed by citizens against police officers from 2014 to 2019 were not investigated by the Internal Affairs Commander. In addition, the IA Commander forged many dispositions during these five years which were left uninvestigated and ultimately dismissed at the objection of Lt. Warraich. Once again, the OAG sent the complaint back to MCPO with no regard to the existing conflicts of interest. MCPO conducted a botched investigation for the second time and again accommodated a cover-up for APPD.

Warraich's perseverance and resilience have won in the end. It took him two years of proceedings to clear his name. Now he has a Civil Rights Violation and Whistleblower Retaliation complaint pending against the APPD in a Civil Court.

### **The entire law enforcement chain of command in the state has failed Lt. Warraich as a whistleblower.**

He has also reported the misconduct to the state lawmakers, city elected officials, State Commission of Investigations, Office of the Comptroller (Inspector General), FBI and numerous civil rights groups, all to no avail. He suffered severe backlash for trying to hold the department accountable. Government Accountability Project is working hard to secure anti-retaliation protections for brave officers like Kamil Warraich.





## Law Enforcement Whistleblower Media Menu

### May 2021 Government Accountability Project's Letter to Congressional Leaders from 30 Law Enforcement Whistleblowers

- *Black News Channel's "The World Tonight with Kelly Wright and Nayyera Haq"*: "[Chief Fogg & Vice Provost \(GODSU\) On Police Accountability & Whistleblower Protections for good COPS](#)" (May 23, 2021)
- *Patch*: "[Joliet Police Whistleblower Joins With Legendary Frank Serpico](#)" (May 19, 2021)
- *Politico's "The Recast"*: "[THE BLUE WALL OF SILENCE](#)" (May 18, 2021)

### Some Experiences of Law Enforcement Whistleblowers

- *The Independent*: "[Probe launched into death of Black man whose nose was pinched shut by officers](#)" (May 28, 2021)
- *CBS News*: "[Over a year after a Black man died in police custody, Illinois city opens investigation into police department](#)" (May 26, 2021)
- *Triangle Media*: "['The Long Blue Walk' by Norman A. Carter Jr.](#)" (May 4, 2021)

### "The Blue Wall of Silence"

- *Vice News*: "[Why Black Cops Quit](#)" (May 25, 2021)
- *The Courier-Journal*: "[There are times when I'm embarrassed to say I'm a cop. We can do better](#)" (May 24, 2021)
- *MSNBC*: "[Police indictments in George Floyd murder case show America's broken cop culture](#)" (May 10, 2021)
- *The Washington Post*: "[I'm a cop. The Chauvin verdict is a message for me, and for my colleagues.](#)" (April 21, 2021)
- *NBC News*: "[The 'blue wall of silence' is crumbling in the Derek Chauvin trial. Why this case could be a tipping point.](#)" (April 7, 2021)

## The Need for Law Enforcement Whistleblower Rights

- *WCEG Network*: “[Crime, Policing, and Diversity: Where do we go from here?](#)” (May 24, 2021)
- *Block Club Chicago*: “[What Happens When Chicago Cops Speak Up About Police Misconduct? Their Lives Are Ruined, Whistleblowers Say](#)” (September 10, 2020)
- *The Hill*: “[To change the culture of silence, protect police whistleblowers](#)” (July 8, 2020)
- *Fox News*: “[Internal police whistleblower protections seen as missing piece in reform push](#)” (June 16, 2020)